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January 2, 2008

The Honorable Joseph J. Farnan, Jr.  
United States District Court  
For the Eastern District of Delaware  
844 North King Street  
Wilmington, DE 19801

*VIA ELECTRONIC FILING*

Re: *Affymetrix, Inc. v. Illumina Inc.*, C.A. No. 04-901 (JJF)  
*Affymetrix, Inc. v. Illumina Inc.*, C.A. No. 07-670 (JJF)

Dear Judge Farnan:

The Court currently has two cases between Affymetrix and Illumina pending before it (C.A. Nos. 04-901 and 07-670). The earlier-filed case (C.A. 04-901) is scheduled to commence trial on the validity issues on February 11, 2008. A pretrial conference has not yet been set in that case, but the parties have requested a pretrial conference on January 23, 2008, and have agreed to a schedule for preparing the pretrial order based on that date. (D.I. 463, R. Herrmann Dec. 3, 2007 letter). In addition, the Court has set a scheduling conference in the later-filed case (C.A. 07-670) for January 11, 2008. To minimize the cross-country travel for the attorneys involved, if the Court's schedule permits, Affymetrix requests that the Court reschedule the January 11, 2008, scheduling conference in C.A. 07-670 to coincide with the pretrial conference in C.A. No. 04-901 (i.e., on January 23, 2008). Illumina has informed us that it does not oppose such a scheduling change.

For the Court's convenience, I have enclosed forms of order for scheduling these events in each of these cases.

Respectfully,

  
Maryellen Noreika (#3208)

MN/dlb

Enclosure

cc: Clerk of Court (Via Hand Delivery; w/ encl.)  
Richard K. Herrmann, Esquire (Via Electronic Mail and Hand Delivery; w/ encl.)  
Marcus E. Sernel, Esquire (Via Electronic Mail; w/ encl.)  
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